

PPM 541

VEHICLE MODIFICATION

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GENERAL REQUIREMENTS**541.01 PURPOSE OF VEHICLE MODIFICATION**

The purpose of vehicle modification and related services is to provide disability-related accommodative modifications to a private passenger vehicle owned or being purchased by an eligible individual or the family of the individual **when a modified vehicle is required for the individual to:**

- (1) access and participate in other **planned Vocational Rehabilitation Program services** that will contribute substantially to his or her vocational rehabilitation; **and/or**
- (2) achieve an employment outcome **of the individual's informed choice, consistent with his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests.**

541.02 QUALIFYING INDIVIDUALS

Vehicle modification **and related** services can be provided only for eligible individuals receiving services under a current Individualized Plan for Employment (IPE) in which vehicle modification is specifically identified as a vocational rehabilitation service required for the individual to prepare for, enter or reenter, **or** maintain **a planned** employment outcome.

541.03 GENERAL SERVICE PROVISION CRITERIA

All vehicle modification and related services must be provided in accordance with the informed choice of the individual, consistent with:

- (1) the vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests of the individual;**
- (2) his or her vocational rehabilitation needs;**
- (3) the provisions of an Individualized Plan for employment (IPE); and**
- (4) all applicable Vocational Rehabilitation Program policies and procedures described in this chapter.**

541.04 NATURE AND SCOPE OF SERVICE PROVISION

As appropriate to the vocational rehabilitation needs of each eligible individual **identified in his or her IPE** and in accordance with **his or her informed choice and** the provisions of this chapter, vehicle modification services provided with Vocational Rehabilitation Program assistance can include:

- (1) driver evaluation;
- (2) driver training, if indicated by a driver evaluation;
- (3) vehicle modification evaluation;
- (4) pre-modification inspection for a used vehicle;
- (5) provision of vehicle modifications recommended by the evaluator and approved by the Vocational Rehabilitation Counselor; and
- (6) **final inspection.**

541.05 VEHICLE MODIFICATION HANDBOOK

Every eligible individual requesting a vehicle modification with Vocational Rehabilitation Program assistance must receive a copy of the vehicle modification handbook, and must provide a signed receipt form for the handbook to the Vocational Rehabilitation Counselor. Vocational rehabilitation counseling and guidance provided to each such individual must include discussion of the handbook content and the provision of information to assist the individual in making informed choices concerning vehicle modification options.

DRIVER EVALUATION

541.06 DRIVER EVALUATION PROVISION AND WAIVER

Unless specifically waived by the Vocational Rehabilitation Counselor, a driver evaluation is required prior to authorization for any vehicle modification evaluation, regardless of the anticipated type, scope, or cost of planned modifications. The driver evaluation can be waived by the Counselor only if:

- (1) the individual will not be operating the vehicle as a driver (i.e., the modifications to be provided are limited to modifications required for the individual to be transported as a passenger only); or
- (2) if the individual is the planned operator (driver) of the vehicle—

(A) he or she has a valid Indiana driver's license, has been a licensed driver **for a period of not less than one year** and continues to meet state licensing requirements, and

(B) based on current medical information, the individual's **functional status** has not significantly changed from the date on which **the individual's driving license was issued or last renewed or (if the modifications requested are limited to the repositioning or relocation of existing modifications in the same vehicle, the transfer of existing adaptive equipment to another vehicle, or replication of existing equipment in another vehicle) from the date on which the most recent modifications were completed).**

[REQUIRED PRACTICE. The Vocational Rehabilitation Counselor has authority under paragraph (2) of this section to require documentation verifying the current licensing and functional status of the individual.]

541.07 PURPOSE OF THE DRIVER EVALUATION

The purpose of a driver evaluation is to determine an eligible individual's ability to operate a motor vehicle and to obtain or maintain licensing, or to establish the need for driver training in order to **meet those requirements**.

541.08 NATURE AND SCOPE OF THE DRIVER EVALUATION

Each driver evaluation **utilized to assess an individual's ability to drive and need for driver training** must:

- (1) **be not more than 12 months old and accurately reflect the current functioning of the individual evaluated;**
- (2) include an assessment of the eligible individual's ability (or anticipated ability, with training and/or suitable adaptive equipment) to drive, as necessary to meet the intent of section 541.07 of this chapter;
- (3) be performed by an evaluator of the individual's informed choice who meets the driver evaluator qualifications identified in section 541.09 of this chapter; and

(4) result in a written evaluation report to the Vocational Rehabilitation Counselor which—

(A) is provided within 10 business days after the evaluation has been completed,

(B) specifies whether or not the individual is capable of obtaining or maintaining a driver's license and operating a motor vehicle (or can reasonably be expected to obtain or maintain licensing and operate a motor vehicle after the provision of appropriate training and/or adaptive equipment), and

(C) **specifies** whether or not driver training **is recommended** prerequisite to motor vehicle licensing and operation.

[REQUIRED PRACTICE. Driver or other training recommended by a driver evaluator must be provided, and cannot be waived by the Vocational Rehabilitation Counselor. A driver evaluation report can be amended only by the driver training evaluator.]

541.09 DRIVER EVALUATOR STANDARDS

All driver evaluations must be secured from an evaluator of the eligible individual's informed choice who:

(1) maintains a written agreement with the Division of Disability and Rehabilitative Services (DDRS) to abide by Vocational Rehabilitation Program policy and fee schedule provisions and is a VR Program approved provider;

(2) is currently a Certified Driver Rehabilitation Specialist (CDRS) certified by the Association of Driver Rehabilitation Specialists (ADED) or is supervised by a CDRS and mentoring toward CDRS certification in accordance with ADED requirements;

(3) (as of November 1, 2007 and thereafter) is a professional member of the National Mobility Equipment Dealers Association (NMEDA);

(4) has no ownership or other financial interest in the sale of any vehicle or the sale or installation of any vehicle modification to the individual evaluated; and

(5) has no family or other significant personal or business relationship with the individual evaluated or with any immediate family member of the individual evaluated.

DRIVER TRAINING

541.10 DRIVER TRAINING PROVISION

Driver training recommended by the driver evaluation must be provided **and the individual must successfully complete the recommended training and obtain a valid driver's license** prior to the provision of any vehicle modifications.

[REQUIRED PRACTICE. With respect to the requirement that recommended driver training be provided, see also the REQUIRED PRACTICE statement following section 541.08 of this chapter.]

541.11 DRIVER TRAINER STANDARDS

Driver training must be secured from a trainer of the eligible individual's informed choice who:

(1) maintains a written agreement with the Division of Disability and Rehabilitative Services (DDRS) to abide by Vocational Rehabilitation Program policy and fee schedule provisions and is a VR Program approved provider;

(2) is currently a Certified Driver Rehabilitation Specialist (CDRS) certified by the Association of Driver Rehabilitation Specialists (ADED) or is supervised by a CDRS and mentoring toward CDRS certification in accordance with ADED requirements;

(3) (as of November 1, 2007 and thereafter) is a professional member of the National Mobility Equipment Dealers Association (NMEDA);

(4) has no ownership or other financial interest in the sale of any vehicle or the sale or installation of any vehicle modification to the individual trained; and

(5) has no family or other significant personal or business relationship with the individual trained or with any immediate family member of the individual trained.

VEHICLE MODIFICATION EVALUATION

541.12 VEHICLE MODIFICATION EVALUATION PROVISION

A vehicle modification evaluation must be obtained prior to the provision of any vehicle modification **and** cannot be waived by the Vocational Rehabilitation Counselor, regardless of the anticipated type, scope, or cost of the modifications or **the fact that the individual may have previously driven a modified vehicle.**

541.13 PURPOSE OF THE VEHICLE MODIFICATION EVALUATION

The purpose of a vehicle modification evaluation is to determine:

(1) the specific type and scope of the vehicle modifications vocationally required by an eligible individual, including

(2) **(A) if the vehicle to be modified has not yet been purchased by the individual or a family member of the individual,** what type, make, and model of vehicle is most appropriate for the vocational rehabilitation needs of the individual and the specific vehicle modifications required and recommended, **or**

(B) if the vehicle to be modified is already owned by the individual or a family member of the individual, whether or not the vehicle presented for modification is appropriate for the vocational rehabilitation needs of the individual and the specific vehicle modifications required and recommended;

(3) whether or not a pre-modification vehicle inspection is to be recommended for any of the reasons described in section 541.16 prior to completion of a vehicle modification evaluation; and

(4) if existing adaptive equipment already in use by the individual is available, whether or not the existing equipment is to be recommended for use in the further modification of the same vehicle or for transfer to another vehicle.

[REQUIRED PRACTICE. If existing adaptive equipment already in use by the individual meets the conditions described in section 541.30(17) of this chapter, the vehicle modification evaluator is expected to recommend the use of existing equipment over the purchase and installation of new equipment. Notwithstanding that expectation, however, the VR Program will not authorize either the purchase of previously owned adaptive equipment from one individual for use by another individual or any vehicle modification for any individual using equipment previously owned by another individual.]

541.14 NATURE AND SCOPE OF THE VEHICLE MODIFICATION EVALUATION

Each vehicle modification evaluation utilized to determine the specific modifications needed and to be provided with Vocational Rehabilitation Program assistance must:

(1) be not more than 12 months old and accurately reflect the current functioning of the individual evaluated;

(2) include any assessment of the eligible individual and the vehicle to be modified (particularly an in-vehicle functional assessment) necessary to meet the intent of section 541.13 of this chapter;

(3) if deemed appropriate by the evaluator for any of the reasons described in section 541.16 of this chapter, include a recommendation for a pre-modification vehicle inspection;

(4) be secured from an evaluator of the individual's informed choice who is qualified in accordance with section 541.15 of this chapter; and

(5) result in a written evaluation report to the Vocational Rehabilitation Counselor which—

(A) is provided within 10 business days after the evaluation has been completed; and

(B) identifies the nature and scope of the eligible individual's vehicle modification needs relative to Vocational Rehabilitation Program participation and the achievement of his or her employment outcome, including the adaptability of the vehicle to be modified relative to the modifications required, specific recommendations regarding the particular modifications determined to be necessary, and other factors pertinent to the modifications recommended, consistent with applicable vehicle modification guidelines, manufacturer's guidelines, and the requirements of this chapter.

*[REQUIRED PRACTICE. The Vocational Rehabilitation Counselor is responsible for communicating to the evaluator the information necessary for the evaluator to conduct a complete and accurate evaluation. Such information must minimally include, but is not limited to: (1) the nature and scope of the eligible individual's physical or mental impairment; (2) his or her planned services and employment outcome; (3) the identified activities relevant and necessary to the planned services and employment outcome that require the use of personal transportation; and (4) any specific questions or issues that the Counselor needs to have addressed. The evaluation report must address the factors communicated by the Vocational Rehabilitation Counselor. As appropriate to the modifications recommended and the information needed by a vehicle modification service provider, the evaluation report must include equipment lists, measurements and specifications, diagrams, and other necessary information. Evaluators must identify as such the least costly modifications needed and requested by the Counselor. **Any pre-modification vehicle inspection and/or modifications recommended by a vehicle modification evaluator must be provided, and cannot be waived by the Vocational Rehabilitation Counselor. A vehicle modification evaluation report can be amended only by the vehicle modification evaluator.]***

541.15 VEHICLE MODIFICATION EVALUATOR STANDARDS

All vehicle modification evaluations must be secured from an evaluator **of the eligible individual's informed choice who:**

(1) maintains a written agreement with the Division of Disability and Rehabilitative Services (DDRS) to abide by Vocational Rehabilitation Program policy and fee schedule provisions and is a VR Program approved provider;

(2) is currently a Certified Driver Rehabilitation Specialist (CDRS) certified by the Association of Driver Rehabilitation Specialists (ADED), or is supervised by a CDRS and mentoring toward CDRS certification in accordance with ADED requirements;

(3) (as of November 1, 2007 and thereafter) is a professional member of the National Mobility Equipment Dealers Association (NMEDA);

(4) has no ownership or other financial interest in the sale of any vehicle or the sale or installation of any vehicle modification to the individual evaluated; and

(5) has no family or other significant personal or business relationship with the individual evaluated or with any immediate family member of the individual evaluated.

PRE-MODIFICATION INSPECTION

541.16 PRE-MODIFICATION INSPECTION PROVISION

A pre-modification vehicle inspection is required, and cannot be waived, prior to the provision of vehicle modifications for any vehicle:

(1) more than one year old; and/or

(2) which has (regardless of age) ever sustained serious structural or mechanical damage consequent to a collision, fire, vandalism, or other similar incident; and/or

(3) which has been previously modified; and/or

(4) for which a pre-modification inspection has been recommended by a vehicle modification evaluation report; and/or

(5) when justified by the Vocational Rehabilitation Counselor for other reasons consistent with the purposes stated in section 541.17 of this chapter.

541.17 PURPOSE OF THE PRE-MODIFICATION INSPECTION

The purpose of the pre-modification vehicle inspection is to:

(1) determine the mechanical and structural condition and roadworthiness of the vehicle; and

(2) identify any mechanical and structural maintenance and repairs for which the individual or vehicle owner is responsible prior to the provision of any recommended and approved modifications.

541.18 NATURE AND SCOPE OF THE PRE-MODIFICATION INSPECTION

The pre-modification vehicle inspection must:

(1) be secured from a service provider of the individual's informed choice who is qualified in accordance with section 541.19 of this chapter;

(2) include a thorough inspection of the mechanical and structural condition of the vehicle to be modified, as necessary to meet the intent of section 541.17 of this chapter; and

(3) result in a written inspection report to the Vocational Rehabilitation Counselor which—

(A) is provided within 10 business days of the completed inspection; and

(B) describes the mechanical and structural condition and roadworthiness of the vehicle and any mechanical or structural maintenance and repairs required to render the vehicle mechanically and structurally sound.

*[REQUIRED PRACTICE. The Vocational Rehabilitation Counselor must communicate to the pre-modification inspector all information necessary for the inspector to conduct a complete and accurate inspection. The completed inspection report must include, if applicable, a list of necessary maintenance and repairs and other pertinent information, and must address the factors communicated by the Vocational Rehabilitation Counselor. **The modification of all vehicles and the provision of any additional modifications for any vehicle previously modified are entirely conditional upon the mechanical and structural integrity and roadworthiness of the vehicle. All necessary maintenance and repairs must be made at the expense of the eligible individual or the vehicle owner and must be completed prior to any authorization for modifications or additional modifications. Vocational Rehabilitation Program funds are not available, and cannot be authorized, for any such maintenance and repairs.]***

541.19 PRE-MODIFICATION VEHICLE INSPECTOR STANDARDS

The service provider selected to perform a pre-modification vehicle inspection **in order to determine the mechanical and structural condition and roadworthiness of any vehicle to be modified** must be an inspector of the eligible individual's informed choice who:

(1) (A) is an automotive mechanic employed by a vehicle dealership that is a member in good standing of the local Better Business Bureau, or

(B) is an independent automotive mechanic who is Automotive Service Excellence (ASE) certified;

(2) has no ownership or other financial interest in the sale of the vehicle inspected or the sale or installation of any vehicle modification for the vehicle inspected; and

(3) has no family or other significant personal or business relationship with the eligible individual or with any immediate family member of the individual.

VEHICLE MODIFICATION**541.20 GENERAL NATURE AND SCOPE OF MODIFICATIONS**

(1) Subject to the policies described in this chapter and as recommended as necessary by a vehicle modification evaluation report, vehicle modification services provided with Vocational Rehabilitation Program assistance may include the purchase and installation costs of motor vehicle adaptive equipment and other modifications and, as applicable, the repositioning or relocation of existing adaptive equipment in the same vehicle or the transfer of existing adaptive equipment to another vehicle for the same individual.

[REQUIRED PRACTICE. With respect to paragraph (1) of this section, Vocational Rehabilitation Program assistance is not available, and cannot be authorized, for the purchase or installation for any individual of used adaptive equipment previously owned by another individual, but is available, and can be authorized, for the repositioning and relocation of existing adaptive equipment in the same vehicle or for the transfer of existing adaptive equipment from one vehicle to

another where the conditions described in section 541.30(17) of this chapter are met. (See also section 541.13(4) and the accompanying REQUIRED PRACTICE.) In instances in which the vehicle modification evaluation report recommends use of existing adaptive equipment, the vehicle modification provider is expected to make maximum use of the existing equipment rather than to secure and install new equipment. The vehicle modification evaluation report can be amended only by the vehicle modification evaluator.]

(2) The Vocational Rehabilitation Program will assist in the provision of only those vehicle modifications which:

(A) are disability-relevant adaptive accommodations;

(B) are required to accommodate a specific disability-related impediment to employment, based on the vocational rehabilitation needs of an eligible individual and the employment outcome goal identified in his or her Individualized Plan for Employment (IPE);

(C) are appropriate for the vehicle being modified, in accordance with the guidelines established by the National Mobility Equipment Dealers Association (NMEDA) for its Quality Assurance Program (QAP) accredited dealers; and

(D) are otherwise consistent with the service provision policies and procedures of the Vocational Rehabilitation Program.

[REQUIRED PRACTICE. Vehicle modifications are defined as rehabilitation technology services and must meet all requirements pertinent to the definition thereof. Vehicle modifications are not available, and cannot be provided, which do not address a disability-specific barrier or which are intended for any purpose other than to increase, maintain, or improve the functional capabilities of the individual for whom they are provided for vocational rehabilitation purposes.]

Vehicle modification services must also, like all vocational rehabilitation services, be appropriate to the vocational rehabilitation needs of the individual identified in the IPE of the individual, and must be required for the individual to prepare for, secure, retain, or regain a specified employment outcome. The authorization for any vehicle modification services for general accessibility and mobility purposes or to meet general transportation needs not specific to the employment outcome is not permitted.

The guidelines of the National Mobility Equipment Dealers Association (NMEDA) and its Quality Assurance Program (QAP) have been established as the applicable guidelines and provider requirements for all vehicle modifications provided with Vocational Rehabilitation Program assistance in Indiana. Program

assistance is unavailable, and cannot be provided, for any modification which violates, or is not in full compliance with, the current NMEDA guidelines established for its QAP accredited dealers.

The provision of all vehicle modifications must be in conformance with all other applicable program policies. See section 541.30 of this chapter for specific service prohibitions.]

541.21 SPECIFIC TYPES OF MODIFICATIONS PERMITTED

Vocational Rehabilitation Program assistance for vehicle modifications is limited to those modifications for which National Mobility Equipment Dealers Association (NMEDA) guidelines have been established, and may include, but are not limited to, the provision of:

- (A) wheelchair tie-downs and lock-downs;
- (B) wheelchair lifts;
- (C) manual hand controls;
- (D) electronic consoles for operating controls;
- (E) adaptive steering and braking systems which reduce or modify the physical effort required for steering and braking;
- (F) raised roofs and door openings, when necessary for vehicle entry and exit;
- (G) lowered floors and other floor modifications; and
- (H) power transfer seat bases.

541.22 VEHICLE MODIFICATION SERVICE PROVIDER STANDARDS

All vehicle modifications must be secured from a vehicle modification provider of the eligible individual's informed choice **who:**

(1) maintains a written agreement with the Division of Disability and Rehabilitative Services (DDRS) to abide by Vocational Rehabilitation

Program policy and fee schedule provisions and is a VR Program approved provider;

(2) (as of November 1, 2007 and thereafter) is a member of the National Mobility Equipment Dealers Association (NMEDA) and has obtained and maintains NMEDA Quality Assurance Provider (QAP) accreditation; and

(3) has no family or other significant personal or business relationship with the individual or with any immediate family member of the individual.

541.23 VEHICLE MODIFICATION TIMELINESS STANDARDS

(1) The Vocational Rehabilitation Counselor must establish, based on a determination made in consultation with the vehicle modification provider selected, an expected completion date for all modifications authorized, and must indicate the expected completion date agreed upon on each written authorization for vehicle modification services.

(2) Unless due to exceptional and unforeseen circumstances beyond the control of the modification provider, failure of the provider to complete all authorized modifications within ten (10) business days of the expected completion date agreed upon and specified by the written authorization for services will result in:

(A) temporary suspension of the provider from receiving further Vocational Rehabilitation Program requests for modifications until all currently authorized modification jobs have been completed and the affected vehicle(s) duly delivered to the individual(s); and/or

(B) beginning with the sixteenth business day and for each business day thereafter, the deduction of one percent from the total amount authorized and paid to the provider for each affected modification job.

(3) Unless due to exceptional and unforeseen circumstances beyond the control of the modification provider, the Vocational Rehabilitation Program will pay for only one final inspection per each modification job. The provider shall assume responsibility for the second and any subsequent final inspection costs incurred as a consequence of

the authorized modifications not being completed prior to the scheduled final inspection or failure of the vehicle to pass the first inspection.

(4) Verified customer complaints of substance regarding specific equipment items and/or a particular service provider may result in the Vocational Rehabilitation Program no longer purchasing those items or removal of the provider from the approved provider list.

[REQUIRED PRACTICE. All decisions made with respect to imposing any of the sanctions permitted consequent to the provisions of paragraphs (2), (3), and (4) of this section will be made by the VR Counselor in consultation with the Area Supervisor, and with the prior approval of the Region Manager. Any cost to the provider resulting from the imposition of any of these sanctions shall be deducted from the amount vouchered for payment to the provider.]

FINAL INSPECTION

541.24 FINAL INSPECTION PROVISION

(1) A **final** inspection is required for all vehicle modifications completed with Vocational Rehabilitation Program assistance, regardless of the nature, scope, or cost of the modifications and must be conducted:

(A) subsequent to the completion of all modifications recommended by the vehicle modification evaluation and approved by the Vocational Rehabilitation Counselor;

(B) with the individual and the vehicle modification evaluator present and participating; and

(C) prior to payment of the modification provider.

(2) Payment for completed vehicle modifications cannot be processed until the vehicle has successfully passed the **final** inspection and a Receipt of Goods form signed by the individual or vehicle owner has been received by the Vocational Rehabilitation Counselor.

541.25 PURPOSE OF THE FINAL INSPECTION

The purpose of the vehicle modification **final** inspection is to assure that the modifications provided:

(1) have been completed in accordance with the recommendations and specifications identified in the vehicle modification evaluation report and approved by the Vocational Rehabilitation Counselor;

(2) are consistent with **all applicable modification guidelines as currently published by the National Mobility Equipment Dealers Association (NMEDA)**; and

(3) **can be accessed and utilized by the individual as described in the vehicle evaluation report.**

541.26 NATURE AND SCOPE OF THE FINAL INSPECTION

Each **final** inspection:

(1) must be conducted by an inspector who meets the provider standards described in section 541.27 of this chapter;

(2) must be conducted with the individual and the vehicle modification evaluator present and participating;

[REQUIRED PRACTICE. No final inspection can be conducted in the absence of any of the three parties required (the inspector, the modification evaluator, and the individual). In order to assure that the individual and evaluator are both present, the vehicle modification inspector shall schedule the final inspection in a manner which permits both the individual and the vehicle modification evaluator to be in attendance, and must provide adequate prior notice to the individual and evaluator regarding the place, date, and time of the scheduled final inspection.]

(3) must include any on-site inspection and review of all completed vehicle modifications (including a situational observation of the modifications in actual operation or use) necessary to make the required determinations specified in section 541.25 of this chapter; and

(4) must result in a written inspection report to the Vocational Rehabilitation Counselor which—

(A) is provided within 10 business days of the completed inspection, and

(B) addresses the issues identified in section 541.25 of this chapter, including any corrections or adjustments needed.

541.27 FINAL INSPECTION SERVICE PROVIDER STANDARDS

All final inspections must be secured from an inspector of the individual's informed choice who:

(1) maintains a written agreement with the Division of Disability and Rehabilitative Services (DDRS) to abide by Vocational Rehabilitation Program policy and fee schedule provisions and is a VR Program approved provider;

(2) (as of November 1, 2007 and thereafter) is a professional member of the National Mobility Equipment Dealers Association (NMEDA);

(3) has no ownership or other financial interest in the sale of any vehicle or the sale or installation of any vehicle modification to the individual; and

(4) has no family or other significant personal or business relationship with the individual or with any immediate family member of the individual.

CONDITIONS AND LIMITATIONS OF SERVICE PROVISION**541.28 GENERAL LIMITATIONS**

Vocational Rehabilitation Program assistance for vehicle modifications can be provided only:

(1) for disability-related adaptive modifications that are required for, and will contribute substantially to, an eligible individual's ability to prepare for, secure, and maintain employment, as described in section 541.01 of this chapter;

(2) in accordance with the conditions and limitations specified by the individual's current Individualized Plan for Employment (IPE) and applicable program policies; and

(3) with the prior knowledge, approval, and authorization of the Vocational Rehabilitation Counselor.

[REQUIRED PRACTICE. The Vocational Rehabilitation Program will assist only with the costs of those modifications recommended by a qualified evaluator and approved by the Vocational Rehabilitation Counselor as vocationally relevant and necessary prior to service provision. Costs incurred by an individual or family for any vehicle modification service other than those expressly approved and authorized by the Vocational Rehabilitation Counselor (including any deviations from approved and authorized modifications arranged for by the individual or family with a vehicle modification provider without the prior knowledge, approval, and authorization of the Vocational Rehabilitation Counselor) will not be paid for or reimbursed by the Vocational Rehabilitation Program. See also section 541.20(2) and its accompanying REQUIRED PRACTICE.]

541.29 PREREQUISITES FOR VEHICLE MODIFICATION SERVICES

(1) ELIGIBILITY FOR VOCATIONAL REHABILITATION SERVICES

Prior to planning or authorizing any vehicle modification or any other service preparatory to a vehicle modification (including any driver evaluation, driver training, vehicle modification evaluation, pre-modification vehicle inspection, vehicle modification, or final vehicle modification inspection), the Vocational Rehabilitation Counselor must establish and document that the individual has been determined to be eligible for vocational rehabilitation services (i.e., is an eligible program participant).

[REQUIRED PRACTICE. Vehicle modification and related services can be provided only for eligible program participants, and cannot be authorized for any applicant, including, but not limited to, any applicant in trial work experiences or extended evaluation status.]

(2) VEHICLE OWNERSHIP REQUIREMENTS

Prior to authorizing any actual modifications for any vehicle, the Vocational Rehabilitation Counselor must determine and document that:

(A) the individual or a family member of the individual is the titled or registered owner of the vehicle to be modified; and

(B) if the individual is not the titled or registered owner of the vehicle, written permission of the family member(s) who are the titled

vehicle owner(s) has been obtained for modification of the vehicle and its subsequent use by the individual.

[REQUIRED PRACTICE. The Counselor has authority under this paragraph to require copies of any vehicle title or registration required to establish and document ownership.]

(3) ALTERNATIVE MODES OF TRANSPORTATION

Prior to planning or authorizing any vehicle modification or any other related service preparatory to a vehicle modification, the individual and Vocational Rehabilitation Counselor must explore alternative modes of transportation for meeting the needs of the individual (including existing public or private transportation), and must determine that alternative modes of existing public or private transportation are unavailable to the individual, or are inappropriate or inadequate to meet the vocational rehabilitation needs of the individual for purposes of Vocational Rehabilitation Program participation and thereafter, as required to secure, engage in, and maintain the planned employment outcome.

(4) IPE REQUIREMENTS

Prior to authorization, all vehicle modification services and other services preparatory to vehicle modification must be specified as to be provided under a current Individualized Plan for Employment (IPE or IPE amendment), **and must be authorized and provided in accordance with the conditions, limitations, and other provisions identified in the plan.**

[REQUIRED PRACTICE. Provision of program assistance is not permitted for any vehicle modification or related services not specified under a current IPE as to be provided.]

(5) PERMIT AND LICENSING REQUIREMENTS

(A) Prior to authorizing any on-the-road driver evaluation or driver training, the Vocational Rehabilitation Counselor must determine and document that the individual has a current and valid learner permit or driver's license.

(B) (1) Unless an exception is made in accordance with paragraph (5)(B)(2) of this section, all individuals must have or must

obtain a valid driver's license (with any applicable restrictions appropriate to his or her disability) prior to authorization of any vehicle modifications if the individual is expected to operate (i.e., drive) the vehicle after its modification. When possible, the individual is expected to obtain a valid driver's license prior to, during, or immediately upon the completion of driver training. Most individuals will be able to utilize evaluation vehicles owned by vehicle modification service providers which are equipped with the same or similar equipment required for their own vehicles, to take the behind-the-wheel portion of the licensing examination.

(2) If a suitably modified vehicle is not available for the purposes of paragraph (5)(B)(1) of this section and the individual would otherwise be prevented from taking the behind-the-wheel portion of the licensing examination, the Vocational Rehabilitation Counselor may authorize a vehicle modification before the individual obtains a valid driver's license, but only on condition that:

- (a) the individual has first passed the visual and written portions of the examination, and
- (b) a written statement has been obtained from an approved driver evaluator confirming that the individual is expected to pass the behind-the-wheel portion of the examination, once vehicle modifications have been completed.

(6) PROOF OF INSURANCE

(A) Prior to driving any vehicle modified with Vocational Rehabilitation Program assistance, the individual (or the titled or registered owner, as applicable) must secure and maintain auto insurance for the vehicle that includes all adaptive equipment provided with Vocational Rehabilitation Program assistance.

(B) The individual is expected to maintain the insured status of the vehicle and all modifications provided with Vocational Rehabilitation Program assistance.

[REQUIRED PRACTICE. The Vocational Rehabilitation Counselor is authorized and required under paragraph (6) of this section to require a copy of

documentation providing proof of insurance. Failure to maintain the insured status of the vehicle and vehicle modifications may adversely affect subsequent program services with respect to future vehicle modification services requested (see the REQUIRED PRACTICE statement at PPM 541.37).]

(7) VEHICLE MODIFICATION CUSTOMER AGREEMENT

Prior to authorizing any vehicle modification, the Vocational Rehabilitation Counselor must determine and document that the eligible individual and any other titled owners have executed a signed Vehicle Modification Customer Agreement **and understand and concur with all of the terms of the agreement, including, but not limited to, consenting:**

(A) **to the specific modifications to be provided;**

(B) **not to drive or allow anyone else to drive the modified vehicle until it has passed the final inspection provided by an approved vehicle modification evaluator and inspector;**

(C) **not to drive the modified vehicle until after completing any prescribed or recommended follow-up training;**

(D) **to maintain the vehicle and all adaptive equipment according to the manufacturers' recommended maintenance schedules, including a maintenance log and servicing receipts demonstrating compliance with this requirement;**

(E) **to maintain insurance on the vehicle and all adaptive equipment; and**

(F) **that the modified vehicle will be available to the eligible individual for the purposes for which it has been modified.**

PROHIBITED SERVICES

541.30 SPECIFIC SERVICE PROHIBITIONS

Vocational Rehabilitation Program **vehicle modification** assistance is not available, and cannot be authorized:

(1) for the purchase, lease, or rental of any motor vehicle;

(2) for the modification of any vehicle—

(A) of which the individual or a family member of the individual is not the titled owner, as documented by vehicle title or registration,

(B) ten (10) years old or older, or having 100,000 miles or more on the odometer, or

(C) which is not the eligible individual's primary means of transportation or to be used solely or primarily by the individual to meet transportation needs directly relevant and necessary for his or her Vocational Rehabilitation Program participation and the achievement and maintenance of the planned employment outcome identified in his or her IPE;

(3) for the modification of any secondary or back-up vehicle for the use of the same individual;

(4) for the purchase, installation, maintenance, repair, replacement, modification, or transfer of duplicate or back-up adaptive equipment or systems;

(5) for the modification of any vehicle determined by the Vocational Rehabilitation Counselor based on information obtained from a vehicle modification evaluation, a pre-modification inspection, or a vehicle modification provider to be—

(A) unfit for the appropriate and necessary modifications due to its present mechanical or structural condition, or

(B) not modifiable in a manner consistent with the guidelines of the National Mobility Equipment Dealers Association (NMEDA) or the vehicle manufacturer;

[REQUIRED PRACTICE. If the vehicle is determined unfit for modification due to its present condition, no modifications can be provided with Vocational Rehabilitation Program assistance until after all necessary maintenance and repairs have been made by the individual or vehicle owner, as applicable, to render the vehicle structurally

and mechanically fit or another vehicle has been provided by the individual or the family of the individual which meets the necessary criteria for modification.]

(6) for any of the cost of vehicle repairs undertaken by the individual or vehicle owner required to make the vehicle fit for modification in accordance with paragraph (5) of this section, preceding;

[REQUIRED PRACTICE. Repairs needed to render the vehicle fit for subsequent modification are the sole responsibility of, and must be paid for by, the individual or the vehicle owner(s), as applicable. Vocational Rehabilitation Program assistance is not available, and cannot be authorized, for any such maintenance or repairs.]

(7) for additional modifications requested within three years subsequent to the most recent modification provided (whether for the same or a different vehicle), unless the additional modifications are required due to substantial changes in the individual's disability or job functions, in accordance with section 541.31 of this chapter);

[REQUIRED PRACTICE. In order to qualify for additional assistance within three years or less of any assistance previously provided, the additional modification services (including the provision of new modifications or the repositioning, relocation, or transfer of existing modifications) must be required as a consequence of changes in the individual's disability or required job functions and not to any other factor or factors, such as the individual's desire to obtain a newer vehicle.]

(8) to modify a vehicle for any individual who has failed to satisfy any of the requirements of section 541.29 of this chapter with respect to VR program eligibility, vehicle ownership, prior consideration of alternative modes of transportation, IPE provisions, necessary permits and licensing, proof of insurance, or the completion of a signed Vehicle Modification Customer Agreement;

(9) for any of the ordinary and ongoing costs of vehicle ownership and operation, including, but not limited to—

(A) auto loan or lease payments,

(B) learner's permits, driver's licenses, title registrations or transfers, plates, **fines**, or related fees or taxes,

(C) auto insurance (including insurance for adaptive equipment),

(D) any costs of repair or replacement of any vehicle or any adaptive equipment damaged or lost consequent to an accident, fire, flood, weather-related event, vandalism, theft, or other cause, and

[REQUIRED PRACTICE. The individual and any other vehicle owners are expected to obtain and maintain insurance coverage for the vehicle and all modifications, and to file the appropriate claims for damage. Program assistance cannot be provided for the repair or replacement of any uninsured damage or loss of the vehicle or adaptive equipment, or for the repair, replacement, or transfer of adaptive equipment in lieu of insurance. See section 541.37 of this chapter for further information.]

(E) the costs of usual and customary vehicle or adaptive equipment maintenance, including, but not limited to, the costs of fuel, oil, antifreeze, brake or transmission fluid, batteries, tires, lights, manufacturer's recommended maintenance, and related servicing costs;

(10) for any equipment, modification, or service that is not a specifically disability-related accommodation of an eligible individual's functional impairments related to driving or riding in a motor vehicle, including, but not limited to—

(A) the purchase, installation, maintenance, repair, or replacement of any vehicle alarm system or other anti-theft measures,

(B) the provision of standard safety-related items (e.g., jacks, tire-changing and other tools, jumper cables, or fire extinguishers),

(C) CB radios, cellular/wireless telephones, or other mobile communication devices **or related equipment or services,**

(D) AM/FM radios, CD or DVD players, or any other entertainment equipment, or

(E) auto club memberships or emergency roadside assistance plans or services;

(11) for the installation of any adaptive equipment or provision of any other modification for which guidelines have not been established by the National Mobility Equipment Dealers Association (NMEDA), or which would require modification in a manner contrary to NMEDA guidelines;

(12) for the installation, maintenance, repair, replacement, repositioning, relocation, or transfer of any equipment which has not been certified in accordance with applicable guidelines per the federal Department of Transportation National Highway Traffic Safety Administration (49 CFR Part 595);

(13) to purchase, install, or transfer for any individual any used adaptive equipment previously owned by another individual;

(14) for the cost of any repair or replacement which is covered under warranties or insurance;

(15) to retrofit an existing vehicle with any standard or optional equipment or features available to the general public (whether with or without disabilities) at time of purchase, including, but not limited to, factory installed—

(A) heating or air conditioning (other than rear air conditioning),

(B) automatic transmission,

(C) power steering or power brakes,

(D) power seats,

(E) air bags or seat belts,

(F) tilt or telescoping steering columns,

(G) cruise control, or

(H) **power windows or** power door locks;

(16) for any body work, finishing, detailing, rust prevention, or similar services, except to the extent made necessary by the modification process;

(17) for the purpose of repositioning or relocation of existing adaptive equipment in the same vehicle or transferring the existing equipment from one vehicle to another for the same individual, except when—

(A) the same individual is the original owner of the existing equipment,

(B) the existing equipment is in working order, continues to meet the vocational rehabilitation needs of the individual, and can effectively be repositioned, relocated, or transferred without damage,

(C) use of the existing equipment can be accomplished at less cost to the program than securing and installing new equipment, and

(D) the repositioning, relocation, or transfer of the existing equipment is determined to be consistent with criteria (A), (B), and (C) of this paragraph, and is recommended, by a current vehicle modification evaluation report; or

(18) for the removal of adaptive equipment, reversal of other modifications, or other restoration of any vehicle after modification to its pre-modification condition (as, for example, to facilitate trade-in or resale, or the use of the vehicle by any other person when it is no longer needed by the individual for whom the modifications were originally made).

541.31 REPEAT MODIFICATIONS

(1) WITHIN THREE YEARS OF A PREVIOUS MODIFICATION

No additional Vocational Rehabilitation Program assistance will be provided to further modify the same vehicle or to modify any other vehicle within three years following the most recent modification assistance provided, unless additional and different modifications are required to meet specific changes in the individual's disability or job functions.

(2) AFTER THREE YEARS BUT LESS THAN FIVE YEARS

Program assistance for the modification of the same vehicle or any other vehicle within a period of three to five years following the most recent modification assistance will be limited to half (50 percent) of the cost of the subsequent modifications, and the provision of such assistance is conditional upon the vehicle last modified having been driven for 50,000 miles or more since the most recent modification assistance provided,

unless additional and different modifications are required to meet specific changes in the individual's disability or job functions.

(3) AFTER FIVE YEARS

Additional program assistance can be provided to meet up to the full cost of any subsequent modifications needed (less any financial responsibilities of the individual) only after:

(A) it has been five years or more following the most recent modification provided with program assistance; and

(B) the vehicle last modified for the individual was driven for 75,000 miles or more after its modification.

[REQUIRED PRACTICE. The Vocational Rehabilitation Counselor has authority under this section to require new medical diagnostics, a new vehicle modification evaluation, and/or to consult the individual's employer to determine and document any additional and different modifications made necessary by changes in the individual's disability or job functions, to consult previous vocational rehabilitation records to determine the time elapsed since the most recent modification assistance provided, and to require odometer or title transfer verification of mileage driven.]

541.32 POST-EMPLOYMENT PROHIBITION

Vehicle modification and related services cannot be initiated as post-employment services, and a record of services cannot be placed into post-employment status in order to provide vehicle modification.

[REQUIRED PRACTICE. In accordance with post-employment services policies (see PPM chapter 490), the initiation of vehicle modification services constitutes a major new service initiative and requires a new application for services, a new determination of eligibility, and the provision of such services under a new record of services.]

FISCAL LIMITATIONS AND REQUIREMENTS

541.33 FEES AUTHORIZED AND PAID

Amounts authorized and vouchered by the Vocational Rehabilitation Counselor for driver evaluations, driver training, vehicle modification

evaluations, pre-modification vehicle inspections, vehicle modification provision, and final inspections must be in accordance with the fee schedule established by the program for each service, as applicable.

541.34 COMPARABLE SERVICES AND BENEFITS EXEMPTION

(1) Except as described in paragraph (2) of this section, all vehicle modification and related services are exempt from program comparable services and benefits requirements.

(2) Notwithstanding paragraph (1) of this section:

(A) any time the individual or a family member of the individual purchases a new vehicle to be modified for which a manufacturer's rebate for vehicle modifications is offered, the individual must apply for the rebate and it must be used to reimburse the Vocational Rehabilitation Program for the cost of modifications provided with program funds; and

(B) Vocational Rehabilitation Program assistance for adaptive equipment repairs, replacements, and transfers will be provided only to the extent not covered under manufacturer's warranties and/or insurance. The individual or the titled owner of the vehicle, as applicable, must file a claim with his or her insurer (as required under section 541.37 of this chapter) for damaged or destroyed modifications, and apply the settlement obtained in full for the damaged or destroyed modifications to meet the costs of vehicle modification equipment repair, replacement, or transfer prior to authorization of program assistance for any remaining costs of such repair, replacement, or transfer.

541.35 FINANCIAL PARTICIPATION EXEMPTION

No financial participation requirement applies to vehicle modifications provided, and no eligible individual or family is required to contribute toward meeting the cost of any vehicle modification.

541.36 PRICE QUOTE EXEMPTION

Price quotes are not required prior to the provision of any driver evaluation, driver training, vehicle modification evaluation, pre-

modification inspection, vehicle modification provision, or final inspection.

541.37 USE OF INSURANCE

The individual (or the titled owner, as applicable) must secure and maintain insurance for the vehicle, including all modifications provided with Vocational Rehabilitation Program assistance. If subsequent modifications to be provided consist of vehicle modification repair or replacement, or the transfer of modifications to another vehicle:

- (1) the Vocational Rehabilitation Counselor must obtain proof of insurance prior to the provision of any requested services; and
- (2) any insurance settlement amounts received for insured modifications must be applied first to the costs of all repairs, replacements, or transfers as a condition of Vocational Rehabilitation Program assistance for remaining costs, if any.

[REQUIRED PRACTICE. Requests for vehicle modification adaptive equipment repairs, replacements, or transfers requested due to an accident or other insurable incident (including, but not limited to, vandalism or any weather-related damage) will be denied if the individual or the titled owner of the vehicle, as applicable, has failed to obtain or maintain the insurance coverage required by policy or refuses to file a proper insurance claim or apply any portion of the insurance settlement amounts to meet the costs of the needed repairs, replacements, or transfers.]

541.38 CHANGES TO SERVICES PROVIDED FROM THOSE INITIALLY AUTHORIZED

Completed modifications billed in whole or in part to the Vocational Rehabilitation Program must be limited to those modifications recommended by the vehicle modification evaluation report and authorized by the Vocational Rehabilitation Counselor. In order to qualify for payment, any and all modifications which are in addition to, or different from, those initially recommended and authorized must be reviewed by a vehicle modification evaluator and approved and authorized by the Vocational Rehabilitation Counselor prior to the start of any additional, new, or different work, **or shall be the responsibility of the individual or vehicle owner.**

RECORD OF SERVICES DOCUMENTATION REQUIREMENTS**541.39 RECORD OF SERVICES CONTENT REQUIREMENTS**

Consistent with the policies and practices described in this chapter, when vehicle modifications have been provided with Vocational Rehabilitation Program assistance, the record of services for the individual must include documentation sufficient to demonstrate that:

(1) the individual was determined to be eligible for Vocational Rehabilitation Program services prior to the provision of any driver evaluation, driver training, vehicle modification evaluation, pre-modification vehicle inspection, vehicle modification, or final inspection;

(2) (A) the individual or a family member of the individual is the titled or registered owner of any vehicle modified, and

(B) if a family member of the individual—not the individual himself or herself—is the titled or registered owner, written permission was obtained to modify the vehicle prior to modification;

(3) alternative modes of transportation were given full consideration and were determined to be unavailable to the individual, inappropriate, or inadequate to meet the vocational rehabilitation needs of the individual prior to the provision of vehicle modification services;

(4) the services provided were—

(A) vocationally relevant and necessary and contributed substantially toward the achievement of the employment outcome of the individual, and

(B) identified in the individual's IPE as planned services prior to or concurrently with service provision, and were provided in a manner consistent with the provisions of the plan;

(5) a driver evaluation was provided or waived in accordance with applicable policy and, if provided, resulted in a driver evaluation report that has been incorporated into the record of services;

- (6) any driver or other training recommended by a driver evaluation was provided;
- (7) a vehicle modification evaluation was conducted and the evaluation report was received and incorporated into the record of services prior to any modification;
- (8) a pre-modification vehicle inspection was conducted if required and the inspection report was received and incorporated into the record of services prior to any modification;
- (9) all vehicle modifications provided were provided in accordance with vehicle modification evaluation report recommendations and applicable program policies and procedures;
- (10) a final inspection was provided subsequent to the completion of all vehicle modifications and prior to payment for the modifications completed, included the participation of the individual and the vehicle modification evaluator, and resulted in a final inspection report that was incorporated into the record of services of the individual;
- (11) the individual (and the representative of the individual, if applicable) were provided with opportunities to make informed choices throughout the vehicle modification process, including, but not limited to, informed choices with respect to the services provided, the selection of service providers, the settings in which the services were provided, and the methods used to secure the services;
- (12) the individual or the individual's representative received a copy of the program vehicle modification handbook, the contents of the handbook were discussed with the individual or representative, and a signed receipt for the vehicle modification handbook was incorporated into the record of services for the individual;
- (13) the customer agreement described in PPM 541.29(7) was been completed and incorporated into record of services;
- (14) insurance has been obtained for the vehicle and all modifications provided, and is current;

(15) copies of any learner's permit, driver's license, registration, title, proof of insurance, or other documentation required by the policies and procedures of this chapter were incorporated into the record of services; and

(16) all required fiscal documentation pertaining to the vehicle modification assistance provided was incorporated into record of services, including—

(A) all refunds processed as a consequence of any reimbursement made to the Vocational Rehabilitation Program pursuant to manufacturers' rebates or insurance settlements, and

(B) signed authorizations and claim-vouchers, together with all applicable supporting billings, paid receipts, receipt of goods forms, or other substantiating documentation.

541.40 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR 361.5(b)(7), (8), (44) and (45), 361.29(d)(1), 361.45(a)(2), 361.46(a)(2), 361.48(q), 361.50(a), 361.52, 361.53(b), and 361.54; **49 CFR 595.**]

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